

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/47/71-II

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government, Directorate of Agriculture, Assistant Agricultural Officer (Grade I) Class II Gazetted post Recruitment Rules, 1970 issued under Notification No. OSD/RRVS/47/67, dated 12th February, 1970 and published in Government Gazette Series I, No. 1 dated 2nd April, 1970, namely:—

1. Short title and Commencement:—

- (i) These rules may be called the Goa Government Directorate of Agriculture, Assistant Agricultural Officer (Grade I) Class II Gazetted Post Recruitment (first amendment) Rules, 1972.
- (ii) They shall come into force at once.

2. In the schedule attached to the said Notification for the existing entry in column 11 substitute:—

"Promotion:

1. Assistant Agricultural Officer (Grade II)
2. Extension Officer (Agriculture)
3. Instructor in Agriculture
4. Compost Inspector
5. Fertilizer Inspector
6. Field Demonstration Officer,

with 5 years service in the respective grades.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. R. Sawant, Deputy Secretary (Appointments).
Panaji, 17th February, 1972.

Law and Judicial Department

Notification

LD/561/72

The Contempt of Courts Act, 1971 (70 of 1971) the Essential Commodities (Amendment) Act, 1971 (66 of 1971) The Indian Tariff (Amendment) Act,

1971 (67 of 1971), The Prevention of Insults to National Honour Act, 1971 (69 of 1971), which were recently passed by Parliament and assented to by the President of India are hereby published for general information of public.

M. S. Borkar, Under Secretary.

Panaji, 10th February, 1972.

The Contemnt of Courts Act, 1971

AN

ACT

to define and limit the powers of certain courts in punishing contempts of courts and to regulate their procedure in relation thereto.

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. Short title and extent. — (1) This Act may be called the Contempt of Courts Act, 1971.

(2) It extends to the whole of India:

Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to contempt of the Supreme Court.

2. Definitions. — In this Act, unless the context otherwise requires, —

(a) "contempt of court" means civil contempt or criminal contempt;

(b) "civil contempt" means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court;

(c) "criminal contempt" means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which —

(i) scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court; or

(ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or

(iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;

(d) "High Court" means the High Court for a State or a Union territory, and includes the court of the Judicial Commissioner in any Union territory.

3. Innocent publication and distribution of matter not contempt.—(1) A person shall not be guilty of contempt of court on the ground that he has published (whether by words spoken or written or by signs or by visible representations or otherwise) any matter which interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice in connection with any civil or criminal proceeding pending at the time of publication, if at that time he had no reasonable grounds for believing that the proceeding was pending.

(2) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, the publication of any such matter as is mentioned in sub-section (1) in connection with any civil or criminal proceeding which is not pending at the time of publication shall not be deemed to constitute contempt of court.

(3) A person shall not be guilty of contempt of court on the ground that he has distributed a publication containing any such matter as is mentioned in sub-section (1), if at the time of distribution he had no reasonable grounds for believing that it contained or was likely to contain any such matter as aforesaid:

Provided that this sub-section shall not apply in respect of the distribution of—

(i) any publication which is a book or paper printed or published otherwise than in conformity with the rules contained in section 3 of the Press and Registration of Books Act, 1867; 25 of 1867.

(ii) any publication which is a newspaper published otherwise than in conformity with the rules contained in section 5 of the said Act.

Explanation.—For the purposes of this section, a judicial proceeding—

(a) is said to be pending—

(A) in the case of a civil proceeding, when it is instituted by the filing of a plaint or otherwise,

(B) in the case of a criminal proceeding under the Code of Criminal Procedure, 1898, or any other law— 5 of 1898.

(i) where it relates to the commission of an offence, when the charge-sheet or *challan* is filed, or when the court issues summons or warrant, as the case may be, against the accused, and

(ii) in any other case, when the court takes cognizance of the matter to which the proceeding relates, and

in the case of a civil or criminal proceeding, shall be deemed to continue to be pending until it is heard and finally decided, that is to say, in a case where an appeal or revision is competent, until the appeal or revision is heard and finally decided or, where no appeal or revision is preferred, until the period of limitation prescribed for such appeal or revision has expired;

(b) which has been heard and finally decided shall not be deemed to be pending merely by reason of the fact that proceedings for the execu-

tion of the decree, order or sentence passed therein are pending.

4. Fair and accurate report of judicial proceeding not contempt.—Subject to the provisions contained in section 7, a person shall not be guilty of contempt of court for publishing a fair and accurate report of a judicial proceeding or any stage thereof.

5. Fair criticism of judicial act not contempt.—A person shall not be guilty of contempt of court for publishing any fair comment on the merits of any case which has been heard and finally decided.

6. Complaint against presiding officers of subordinate courts when not contempt.—A person shall not be guilty of contempt of court in respect of any statement made by him in good faith concerning the presiding officer of any subordinate court to—

(a) any other subordinate court, or

(b) the High Court,

to which it is subordinate.

Explanation.—In this section, “subordinate court” means any court subordinate to a High Court.

7. Publication of information relating to proceedings in chambers or *in camera* not contempt except in certain cases.—(1) Notwithstanding anything contained in this Act, a person shall not be guilty of contempt of court for publishing a fair and accurate report of a judicial proceeding before any court sitting in chambers or *in camera* except in the following cases, that is to say,—

(a) where the publication is contrary to the provisions of any enactment for the time being in force;

(b) where the court, on grounds of public policy or in exercise of any power vested in it, expressly prohibits the publication of all information relating to the proceeding or of information of the description which is published;

(c) where the court sits in chambers or *in camera* for reasons connected with public order or the security of the State, the publication of information relating to those proceedings;

(d) where the information relates to a secret process, discovery or invention which is an issue in the proceedings.

(2) Without prejudice to the provisions contained in sub-section (1), a person shall not be guilty of contempt of court for publishing the text or a fair and accurate summary of the whole, or any part, of an order made by a court sitting in chambers or *in camera*, unless the court has expressly prohibited the publication thereof on grounds of public policy, or for reasons connected with public order or the security of the State, or on the ground that it contains information relating to a secret process, discovery or invention, or in exercise of any power vested in it.

8. Other defences not affected.—Nothing contained in this Act shall be construed as implying that any other defence which would have been a valid defence in any proceedings for contempt of

court has ceased to be available merely by reason of the provisions of this Act.

9. Act not to imply enlargement of scope of contempt.—Nothing contained in this Act shall be construed as implying that any disobedience, breach, publication or other act is punishable as contempt of court which would not be so punishable apart from this Act.

10. Power of High Court to punish contempts of subordinate courts.—Every High Court shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to it as it has and exercises in respect of contempts of itself:

Provided that no High Court shall take cognizance of a contempt alleged to have been committed in respect of a court subordinate to it where such contempt is an offence punishable under the Indian Penal Code.

45 of 1860.

11. Power of High Court to try offences committed or offenders found outside jurisdiction.—A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction, and whether the person alleged to be guilty of contempt is within or outside such limits.

12. Punishment for contempt of court.—(1) Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court.

Explanation.—An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it *bona fide*.

(2) Notwithstanding anything contained in any law for the time being in force, no court shall impose a sentence in excess of that specified in sub-section (1) for any contempt either in respect of itself or of a court subordinate to it.

(3) Notwithstanding anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that he be detained in a civil prison for such period not exceeding six months as it may think fit.

(4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the

contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person:

Provided that nothing contained in this sub-section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission.

(5) Notwithstanding anything contained in sub-section (4), where the contempt of court referred to therein has been committed by a company and it is proved that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer.

Explanation.—For the purpose of sub-sections (4) and (5),—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

13. Contempts not punishable in certain cases.—Notwithstanding anything contained in any law for the time being in force, no court shall impose a sentence under this Act for a contempt of court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice.

14. Procedure where contempt is in the face of the Supreme Court or a High Court.—(1) When it is alleged, or appears to the Supreme Court or the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing, the Court may cause such person to be detained in custody, and, at any time before the rising of the Court, on the same day, or as early as possible thereafter, shall—

(a) cause him to be informed in writing of the contempt with which he is charged;

(b) afford him an opportunity to make his defence to the charge;

(c) after taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, either forthwith or after adjournment, to determine the matter of the charge; and

(d) make such order for the punishment or discharge of such person as may be just.

(2) Notwithstanding anything contained in sub-section (1), where a person charged with contempt under that sub-section applies, whether orally or in writing, to have the charge against him tried by some Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, and the Court is of opinion that it is practicable to do so and that in the interests of proper administration of justice the application

should be allowed, it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as he may think fit to issue as respects the trial thereof.

(3) Notwithstanding anything contained in any other law, in any trial of a person charged with contempt under sub-section (1) which is held, in pursuance of a direction given under sub-section (2), by a Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, it shall not be necessary for the Judge or Judges in whose presence or hearing the offence is alleged to have been committed to appear as a witness and the statement placed before the Chief Justice under sub-section (2) shall be treated as evidence in the case.

(4) Pending the determination of the charge, the Court may direct that a person charged with contempt under this section shall be detained in such custody as it may specify:

Provided that he shall be released on bail, if a bond for such sum of money as the Court thinks sufficient is executed with or without sureties conditioned that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the Court:

Provided further that the Court may, if it thinks fit, instead of taking bail from such person, discharge him on his executing a bond without sureties for his attendance as aforesaid.

15. Cognizance of criminal contempt in other cases.—(1) In the case of a criminal contempt, other than a contempt referred to in section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by—

- (a) the Advocate-General, or
- (b) any other person, with the consent in writing of the Advocate-General.

(2) In the case of any criminal contempt of a subordinate court, the High Court may take action on a reference made to it by the subordinate court or on a motion made by the Advocate-General or, in relation to a Union territory, by such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(3) Every motion or reference made under this section shall specify the contempt of which the person charged is alleged to be guilty.

Explanation.—In this section, the expression "Advocate-General" means,—

- (a) in relation to the Supreme Court, the Attorney-General or the Solicitor-General;
- (b) in relation to the High Court, the Advocate-General of the State or any of the States for which the High Court has been established;
- (c) in relation to the court of a Judicial Commissioner, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf.

16. Contempt by judge, magistrate or other person acting judicially.—(1) Subject to the provi-

sions of any law for the time being in force, a judge, magistrate or other person acting judicially shall also be liable for contempt of his own court or of any other court in the same manner as any other individual is liable and the provisions of this Act shall, so far as may be, apply accordingly.

(2) Nothing in this section shall apply to any observations or remarks made by a judge, magistrate or other person acting judicially, regarding a subordinate court in an appeal or revision pending before such judge, magistrate or other person against the order or judgment of the subordinate court.

17. Procedure after cognizance.—(1) Notice of every proceeding under section 15 shall be served personally on the person charged, unless the Court for reasons to be recorded directs otherwise.

(2) The notice shall be accompanied,—

(a) in the case of proceedings commenced on a motion, by a copy of the motion as also copies of the affidavits, if any, on which such motion is founded; and

(b) in the case of proceedings commenced on a reference by a subordinate court, by a copy of the reference.

(3) The Court may, if it is satisfied that a person charged under section 15 is likely to abscond or keep out of the way to avoid service of the notice, order the attachment of his property of such value or amount as it may deem reasonable.

(4) Every attachment under sub-section (3) shall be effected in the manner provided in the Code of Civil Procedure, 1908, for the attachment of property in execution of a decree for payment of money, and if, after such attachment, the person charged appears and shows to the satisfaction of the Court that he did not abscond or keep out of the way to avoid service of the notice, the Court shall order the release of his property from attachment upon such terms as to costs or otherwise as it may think fit.

(5) Any person charged with contempt under section 15 may file an affidavit in support of his defence, and the Court may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary, and pass such order as the justice of the case requires.

18. Hearing of cases of criminal contempt to be by Benches.—(1) Every case of criminal contempt under section 15 shall be heard and determined by a Bench of not less than two Judges.

(2) Sub-section (1) shall not apply to the Court of a Judicial Commissioner.

19. Appeals.—(1) An appeal shall lie as of right from any order or decision of High Court in the exercise of its jurisdiction to punish for contempt—

(a) where the order or decision is that of a single judge, to a Bench of not less than two Judges of the Court;

(b) where the order or decision is that of a Bench, to the Supreme Court:

Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court.

(2) Pending any appeal, the appellate Court may order that —

(a) the execution of the punishment or order appealed against be suspended;

(b) if the appellant is in confinement, he be released on bail; and

(c) the appeal be heard notwithstanding that the appellant has not purged his contempt.

(3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2).

(4) An appeal under sub-section (1) shall be filed —

(a) in the case of an appeal to a Bench of the High Court, within thirty days;

(b) in the case of an appeal to the Supreme Court, within sixty days,

from the date of the order appealed against.

20. Limitation for actions for contempt. — No court shall initiate any proceedings for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.

21. Act not to apply to Nyaya Panchayats or other village courts. — Nothing contained in this Act shall apply in relation to contempt of *Nyaya Panchayats* or other village courts, by whatever name known, for the administration of justice, established under any law.

22. Act to be in addition to, and not in derogation of, other laws relating to contempt. — The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law relating to contempt of courts.

23. Power of Supreme Court and High Courts to make rules. — The Supreme Court or, as the case may be, any High Court, may make rules, not inconsistent with the provisions of this Act, providing for any matter relating to its procedure.

24. Repeal. — The Contempt of Courts Act, 1952, is hereby repealed. 32 of 1952.

The Essential Commodities (Amendment) Act, 1971

AN
ACT

further to amend the *Essential Commodities Act*, 1955.

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows: —

1. Short title. — This Act may be called the *Essential Commodities (Amendment) Act, 1971*.

2. Amendment of section 3. — In section 3 of the *Essential Commodities Act, 1955* (hereinafter referred to as the principal Act), 10 of 1955.

(i) in sub-section (2), for clause (j), the following clause shall be substituted, namely: —

“(j) for any incidental and supplementary matters, including, in particular, the entry, search or examination of premises, aircraft, vessels, vehicles or other conveyances and animals, and the seizure by a person authorised to make such entry, search or examination, —

(i) of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being, or is about to be, committed and any packages, coverings or receptacles in which such articles are found;

(ii) of any aircraft, vessel, vehicle or other conveyance or animal used in carrying such articles, if such person has reason to believe that such aircraft, vessel, vehicle or other conveyance or animal is liable to be forfeited under the provisions of this Act;

(iii) of any books of accounts and documents which in the opinion of such person would be useful for, or relevant to, any proceedings under this Act and the return of such books of accounts and documents to the person from whom they were seized after copies thereof or extracts therefrom, as certified by that person in the manner specified in the order, have been taken.”;

(ii) in sub-section (3B), —

(a) in the opening portion, for the words “there shall be paid to that person such price for the foodgrains, edible oilseeds or edible oils as may be specified in that order having regard to—”, the words “there shall be paid as the price for the foodgrains, edible oilseeds or edible oils —” shall be substituted;

(b) in clause (i), for the word “and” occurring at the end, the word “or” shall be substituted;

(c) in clause (ii), for the words “the price” the words “where no such price is fixed, the price” shall be substituted.

3. Amendment of section 5. — In section 5 of the principal Act, for the words and figure “the power to make orders under section 3”, the words and figure “the power to make orders or issue notifications under section 3” shall be substituted.

4. Act 47 of 1964 to be made permanent. — The *Essential Commodities (Amendment) Act, 1964*, the duration of which extends up to and including the 31st day of December, 1971, is hereby made permanent, and accordingly that Act shall have effect subject to the modification that in section 1 of that Act, sub-section (3) shall be omitted.

5. Amendment of section 12A. — In section 12A of the principal Act (inserted therein by section 2 of Act 47 of 1964), to sub-section (1), the following provisos shall be added, namely: —

“Provided that —

(a) every such notification issued after the commencement of the *Essential Commodities*

(Amendment) Act, 1971, shall, unless sooner rescinded, cease to operate at the expiration of two years after the publication of such notification in the Official Gazette;

(b) every such notification in force immediately before such commencement shall, unless sooner rescinded, cease to operate at the expiration of two years after such commencement:

Provided further that nothing in the foregoing proviso shall affect any case relating to the contravention of a special order specified in any such notification if proceedings by way of summary trial have commenced before that notification is rescinded or ceases to operate and the provisions of this section shall continue to apply to that case as if that notification had not been rescinded or had not ceased to operate."

The Indian Tariff (Amendment) Act, 1971

AN
ACT

further to amend the Indian Tariff Act, 1934.

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Indian Tariff (Amendment) Act, 1971.

(2) It shall come into force on the 1st day of January, 1972.

2. **Amendment of First Schedule.**—In the First Schedule to the Indian Tariff Act, 1934,—

32 of 1934.

(a) in Items Nos. 28(35), 28(36), 28(37), 28(38), 28(39) and 28(40), in the last column headed "Duration of protective rates of duty", for the figures "1971", wherever they occur, the figures "1972" shall be substituted;

(b) in Item No. 66(a),—

(i) in the third column headed "Nature of duty", for the word "Protective", the word "Revenue" shall be substituted;

(ii) in the fourth column headed "Standard rate of duty", for the figures "27½", the figures "40" shall be substituted;

(iii) in the last column headed "Duration of protective rates of duty", the entry "December 31st, 1971" shall be omitted;

(c) in Item No. 66(1),—

(i) in the third column headed "Nature of duty", for the word "Protective", the word "Revenue" shall be substituted;

(ii) in the fourth column headed "Standard rate of duty", for the figures "20", the figures "40" shall be substituted;

(iii) in the last column headed "Duration of protective rates of duty", the entry "December 31st, 1971" shall be omitted.

The Prevention of Insults to National Honour Act, 1971

AN
ACT

to prevent insults to national honour

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. **Short title and extent.**—(1) This Act may be called the Prevention of Insults to National Honour Act, 1971.

(2) It extends to the whole of India.

2. **Insult to Indian National Flag and Constitution of India.**—Whoever in any public place or in any other place within public view burns, mutilates, defaces, defiles, disfigures, destroys, tramples upon or otherwise brings into contempt (whether by words, either spoken or written, or by acts) the Indian National Flag or the Constitution of India or any part thereof, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Explanation 1.—Comments expressing disapprobation or criticism of the Constitution or of the Indian National Flag or of any measures of the Government with a view to obtain an amendment of the Constitution of India or an alteration of the Indian National Flag by lawful means do not constitute an offence under this section.

Explanation 2.—The expression "Indian National Flag" includes any picture, painting, drawing or photograph, or other visible representation of the Indian National Flag, or of any part or parts thereof, made of any substance or represented on any substance.

Explanation 3.—The expression "public place" means any place intended for use by, or accessible to, the public and includes any public conveyance.

3. **Prevention of singing of Indian National Anthem, etc.**—Whoever intentionally prevents the singing of the Indian National Anthem or causes disturbance to any assembly engaged in such singing shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Notification

LD/722/72

The following notification received from the Government of India, Ministry of Home Affairs, New Delhi, is hereby published for general information of the public.

M. S. Borkar, Under Secretary.

Panaji, 21st February, 1972.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

Notification

New Delhi, the 15th February, 1972

GSR 73(E) — In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Twenty-seventh Amendment) Act, 1971, the Central Government hereby appoints the 15th day of February, 1972 as the date on which the provisions of the said Act (other than sections 1 and 3 which have already come into force) shall come into force.

F.11/5/72-SR

sd/-

M. G. PIMPUTKAR
Special Secretary

Notification

LD/738/72

The following notification received from the Government of India, Department of Labour and Employment, New Delhi, is hereby published for general information of the public.

M. S. Borkar, Under Secretary.

Panaji, 21st February, 1972.

GOVERNMENT OF INDIA

(Department of Labour and Employment)

Notification

New Delhi, the 26th October, 1971

S. O. 5163. — In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the *date of publication of this notification in the Official Gazette*, as the date on which the provisions of Chapters I, II, III, VII and VIII and section 44 and 45 of Chapter IV of the said Act shall come into force in the State of Jammu and Kashmir.

No. F. S. 37025/3/71-HI.

Notification

LD/738/72-I

The following notification received from the Government of India, Ministry of Labour and Rehabilitation (Department of Labour and Employment) New Delhi is hereby published for general information of the public.

M. S. Borkar, Under Secretary.

Panaji, 22nd February, 1972.

GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour and Employment)

Notification

New Delhi, the 14th December, 1971

S. O. 5509. — In exercise of the powers conferred by sub-section (2) of section 1 of the Industrial Disputes (Amendment) Act, 1971 (45 of 1971), the Central Government hereby appoints the 15th day of December, 1971, as the date on which the said Act shall come into force.

No. F. S. 11013/1/71-LR.I.

S. S. SAHASRANAMAN
Under Secretary.

Notification

LD/738/72-II

The following notification received from the Government of India, Ministry of Transport and Shipping is hereby published for general information of the public.

M. S. Borkar, Under Secretary.

Panaji, 22nd February, 1972.

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

Notification

New Delhi, the 3rd November, 1971

S. O. 5081. — In exercise of the powers conferred by sub-section (3) of section 1 of the Road Transport Corporation Act, 1950 (64 of 1950), the Central Government hereby specifies the *3rd day of November, 1971* as the date on which the Road Transport Corporations Act, 1950, as amended by the Delhi Road Transport Laws (Amendment) Ordinance, 1971 (Ordinance No. 21 of 1971) shall come into force in the Union territory of Delhi.

No. 5-TAG(23)/71-I.

Notification

LD/738/72-III

The following notification received from the Government of India, Ministry of Home Affairs, New Delhi, is hereby published for general information of the public.

M. S. Borkar, Under Secretary.

Panaji, 21st February, 1972.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

Notification

New Delhi, the 27th December, 1971

G.S.R.1963 — In exercise of the powers conferred by sub-section (3) of section 1 of the Union Territories Taxation Laws (Amendment) Act, 1971 (73 of 1971), the Central Government hereby appoints the 1st day of January, 1972, as the date on which the said Act shall come into force.

No. F.13/3/71-UTL

K. R. PRABHU
Joint Secretary

Notification

LD/738/72-IV

The following notification received from the Government of India, Ministry of Home Affairs, New Delhi, is hereby published for general information of the public.

M. S. Borkar, Under Secretary.
Panaji, 22nd February, 1972.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

Notification

New Delhi, the 15th February, 1972

GSR 75(E) — In exercise of the powers conferred by sub-section (2) of section 1 of the Government of Union Territories (Amendment) Act, 1971 (83 of 1971), the Central Government hereby appoints the 16th day of February, 1972 as the date on which the provisions of the said Act shall come into force.

F.11/5/72-SR

sd/-

M. G. PIMPOTKAR
Special Secretary

Notification

LD/771/72

The following notification received from the Government of India, Ministry of Home Affairs, New Delhi, is hereby published for general information of the public.

M. S. Borkar, Under Secretary.
Panaji, 24th February, 1972.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

Notification

New Delhi, the 16th February, 1972

GSR 81(E) — In exercise of the powers conferred by the first and second provisos to sub-section (2) of section I of the Government of Union Territories

Act, 1963 (20 of 1963), the Central Government hereby appoints the 17th day of February, 1972 as the date on which sections 1, 2, 3, 4, 14, 38, 43A and 56 of the said Act shall come into force in the Union Territory of Mizoram.

F.11/5/72-SR

sd/-

M. G. PIMPOTKAR
Special Secretary

Notification

LD/772/72

The following notification received from the Government of India, Ministry of Law and Justice, Department of Legal Affairs, is hereby published for general information of the public.

M. S. Borkar, Under Secretary.
Panaji, 24th February, 1972.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

Notification

New Delhi, the 9th July, 1971
Asadha 18, 1893 (Saka)

G. S. R. 1224. — In exercise of the powers conferred by section 3 of the Maintenance Orders Enforcement Act, 1921 (18 of 1921), and in supersession of the notification of the Government of India in the Ministry of Law No. S. R. O. 1768, dated the 12th August, 1955, the Central Government hereby declares that the said Act applies in respect of *Singapore*.

No. F.10(4)/69-Judl.

Sd/-

(B. S. SEKHON)

Deputy Legal Adviser to the Government of India.

Development Department 'A'

Notification

CDB/COOP/1294/71

The following draft of an amendment which is proposed to be made to the Cooperative Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu, is hereby published for general information. Notice is hereby given that the said draft will be taken into consideration by the Government on the expiry of 15 days from the date of publication of this notification in the Official Gazette.

All objections and suggestions regarding the draft amendment may be sent to the Under Secretary to the Government of Goa, Daman and Diu, in the Development Department, Secretariat, Panaji before the expiry of 15 days from the date of the publication of this notification in the Official Gazette

so that they may be taken into consideration at the time of finalization of the proposed amendment.

DRAFT AMENDMENT

In exercise of the powers conferred by section 165 read with section 74 of the Maharashtra Cooperative Societies Act, 1960 as in force in the Union territory of Goa, Daman and Diu, the Lt. Governor of Goa, Daman and Diu hereby makes as follows the 2nd amendment to the Cooperative Societies Rules, 1962.

Insertion of new Rules 55-A.—After rule 55 of the Cooperative Societies Rules, 1962 the following new rule 55-A shall be inserted, namely:—

"55-A. Qualifications for the appointment of a manager, secretary, accountant or any other officer of a society.—(1) A person shall be eligible for appointment or election as manager of a society if he holds degree of a Recognised University and possesses Diploma in Cooperation or he successfully completes the training imparted by the State Federal Society notified under Section 68 within six months from the date of appointment or within such extended period not exceeding one year as the Registrar may permit.

(2) A person shall be eligible for appointment or election as Secretary of a society if he has passed S.S.C. or equivalent examination or is certified by the Registrar to be otherwise competent to hold the post and successfully completes the training imparted by the State Federal Society notified under Section 68 within six months from the date of appointment or within such extended period not exceeding one year as the Registrar may permit.

(3) A person shall be eligible for appointment as Accountant of a society if he has passed Inter Commerce Examination of a Recognised University or an equivalent examination and he successfully completes the training imparted by the State Federal Society notified under Section 68 within six months from the date of appointment or within such extended period not exceeding one year as the Registrar may permit.

(4) Notwithstanding anything contained in sub-rules (1), (2) and (3) the minimum educational qualifications prescribed in the said sub-rules shall not be applicable to those managers, secretaries and accountants of societies who are working as such on the date of coming into force of this amendment and who are otherwise found competent to hold the post and are certified as such by the Registrar and

(5) All the managers, secretaries and accountants of societies who are working as such on the date of coming into force of this amendment and satisfy the requirement of minimum educational qualification prescribed above or who have been certified by the Registrar to be competent to hold the post shall obtain certificate of having successfully undergone the training imparted by the State Federal Society notified under Section 68 within one year from the date of coming into force of this amendment or within such extended period not exceeding six months as the Registrar may permit".

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Abel do Rosario, Under Secretary (Development).
Panaji, 14th February, 1972.

Labour and Information Department

Mormugao Port Trust

Notification

MPT/3-GA(8)/72

In exercise of the powers conferred under Chapter VI of the Major Port Trusts Act, 1963 and with the prior sanction of the Central Government in terms of Section 52 of the said Act, the following

amendments/additions be made to the Schedule of Harbour and Railway Rates, published in the Boletim Official No. 21, Series I, dated the 31st May 1962 and as amended from time to time:—

| Sr. No. as per Schedule of Harbour and Railway Rates | Nature of Service | Existing Rate | Revised Rate |
|--|---|---------------------------------|----------------------------------|
| 1 | 2 | 3 | 4 |
| CRANAGE | | | |
| 36. | Existing: Any electric or steam crane up to 5 tons. | Rs. 60.00 per shift. | — |
| | Revised: Any electric or steam crane up to 6 tons. | — | Rs. 296.00 per shift. |
| 37. | Existing: Any electric or steam crane up to 5 tons. | Rs. 37.50 per half shift. | — |
| | Revised: Any electric or steam crane up to 6 tons. | — | Rs. 185.00 per half shift. |
| 38. | Existing: Any electric or steam crane up to 5 tons. | Rs. 22.50 during recess period. | — |
| | Revised: Any electric or steam crane up to 6 tons. | — | Rs. 111.00 during recess period. |

| 1 | 2 | 3 | 4 |
|---|--|--|--|
| 39. | Steam crane of 30 tons. | Rs. 150.00 per shift plus Rs. 15/- per 1000 kgs. or part thereof for lifts exceeding 8000 kgs. | Rs. 740.00 per shift plus Rs. 74/- per 1000 kgs. or part thereof for lifts exceeding 8000 kgs. |
| 40. | Steam crane of 30 tons. | Rs. 90.00 per half shift plus Rs. 15/- per 1000 kgs. or part thereof for lifts exceeding 8000 kgs. | Rs. 444.00 per half shift plus Rs. 74.00 per 1000 kgs. or part thereof for lifts exceeding 8000 kgs. |
| 41. | Steam crane of 30 tons. | Rs. 90.00 during recess period plus Rs. 15/- per 1000 kgs. or part thereof for lifts exceeding 8000 kgs. | Rs. 444.00 during recess period plus Rs. 74/- per 1000 kgs. or part thereof for lifts exceeding 8000 kgs. |
| 43. | Use of crane for single lift if the crane is working at a particular site. | Rs. 5.00 per lift. | Rs. 25.00 per lift. |
| Note: i) 1st shift is calculated (Standard time) from 07.30 to 12.30 hours and 13.00 to 16.00 hours. ii) 2nd shift is calculated from 15.30 to 20.30 hours and from 21.00 to 24.00 hours. iii) 3rd shift is calculated from 23.30 to 03.30 hours and from 4.00 to 8.00 hours. iv) The period prior to the recess or the period after the recess during any of the three shifts will be considered as half shift for the purpose of rates Nos. 37 and 40. v) Recess period is reckoned from: 12.30 hours to 13.00 hours during the 1st shift. 20.30 hours to 21.00 hours during the 2nd shift. 03.30 hours to 04.00 hours during the 3rd shift. | | | |
| 91(e) | Charges for the use of 6 ton Coles Mobile Crane. | Rs. 80.00 per shift Rs. 10.00 per hour or part thereof during shift working hours. Rs. 20.00 during recess period. | Rs. 426.00 per shift Rs. 53.00 per hour or part thereof during shift working hours. Rs. 106.00 during recess period. Rs. 213.00 minimum charges per requisition. |
| ADDITION | | | |
| Item 91(f) | Charges for the use of 12 ton Mobile Cranes. | — | Rs. 480.00 per shift Rs. 60.00 per hour or part thereof during shift working hours. Rs. 120.00 during recess period Rs. 240.00 minimum charges per requisition. |

By order,

Shivakumar Dhindaw

Secretary

Mormugao, 29th February, 1972.

Notification

MPT/IGA(16)/72

As required under Section 124(2) of the Major Port Trusts Act, 1963 the following amendment to the Mormugao Port Employees (Contributory Provident Fund Special Contribution) Regulations, 1966 adopted by the Board is hereby published:—

Introduce the following after Regulation 3(iii)(1)(e) of Mormugao Port Employees (Contributory Provident Fund Special Contribution) Regulations 1966:

“(f) Dearness pay, if admissible”.

By order,

Shivakumar Dhindaw

Secretary

Mormugao, 8th February, 1972.

Government Press

Notice

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